

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-21-22)
D&J KOENIG HOLDINGS, LLC
DECEMBER 20, 2021

I. GENERAL INFORMATION

A. Project Description

This a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Sands Surveying for D&J Koenig Holdings, LLC for a zoning map amendment within the Highway 93 North Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'AG-40 Agricultural' to 'SAG-5 Suburban Agricultural.'

B. Application Personnel

1. Owner/Applicant

D&J Koenig Holdings, LLC
845 Badrock Drive
Columbia Falls, MT 55912

2. Technical Representative

Sands Surveying
2 Village Loop
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

On December 20, 2021, the Riverdale Land Use Advisory Committee held a public meeting on the proposal and the Committee voted 2-1 to forward a positive recommendation to the Planning Board and Board of County Commissioners.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on January 12, 2022, at 6:00 P.M. in the 2nd Floor Conference Room of South Campus Building located at 40 11th Street West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on January 27, 2021. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located at 430 Church Drive outside Kalispell, MT (see Figure 1 below) and is approximately 8.863 acres. The properties are legally described as:

A Tract of Land, Situated, Lying and Being in the Northwest Quarter of the Northwest Quarter of Section 13, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana, and More Particularly Described as Follow to Wit:

Beginning at the northwest corner of Section 13 , Township 29 North, Range 22 West, P.M.M., Flathead County, Montana, which is a found iron pin on the centerline of Church Drive, a 60 foot declared County road; Thence along the west boundary of the NW¼ NW¼ of said Section 13, and along said centerline S00°03'20"W 552.4 feet more less to a point on the centerline of the Stillwater River; Thence southeasterly along said river centerline the following thirteen courses: S82°32'00"E 30.25 feet, S76°41'59"E 187.32 feet, S70°30'21"E 185.53feet, S57°23'11"E 61.23 feet, S42°17'11"E 69.84 feet, S25°21'38"E 76.44 feet, S08°53'41"E 70.70 feet, S03°24'19"E 78.18 feet, S31°29'30"E 91.49 feet, S21°05'41"E 65.06 feet, S09°34'17"E 90.31 feet, S00°09'06"W 82.48 feet, and S18°41'25"W 42.06 feet to a point on the south boundary of the NW¼ NW¼ of Section 13; Thence leaving said river centerline and along said south boundary, S89°24'03"W 607.38 feet more or less to a found iron pin being the southwest corner of said NW¼ NW¼; Thence N00°03'20"E 767.02 feet to the point of beginning, containing 8.863 Acres more or less; subject to and together with a 60 foot County road known as Church Drive.

B. General Character of and Reason for Amendment

The subject property is located on Church Drive and south of the Stillwater River. Currently the portion of the property within the proposed zone change is undeveloped. The property is located next to the Stillwater River and contains floodplain. The application states the reason for the zone change as, "The applicants would like to have the ability to subdivide in the future to create a lot on the southwest side of the property. Currently the Stillwater River splits the lot. The applicant is requesting the remainder of the lot maintain the AG-40 zoning."

Figure 1: Subject property (outlined in red)

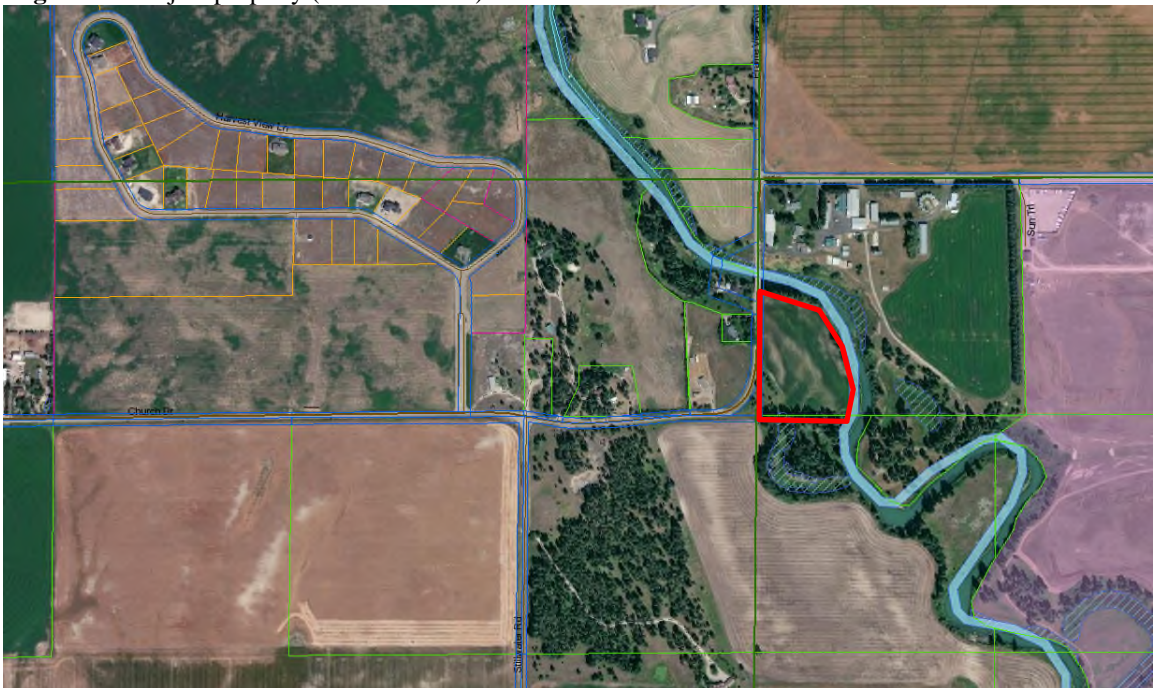
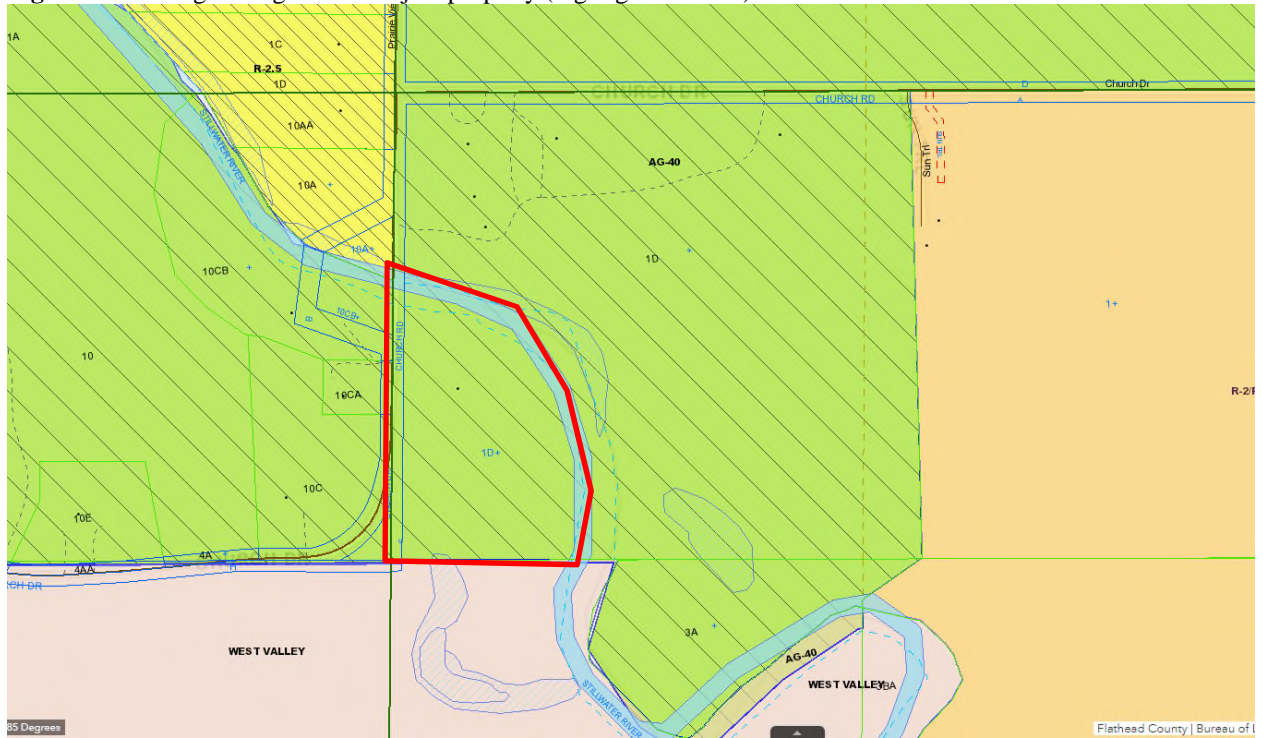


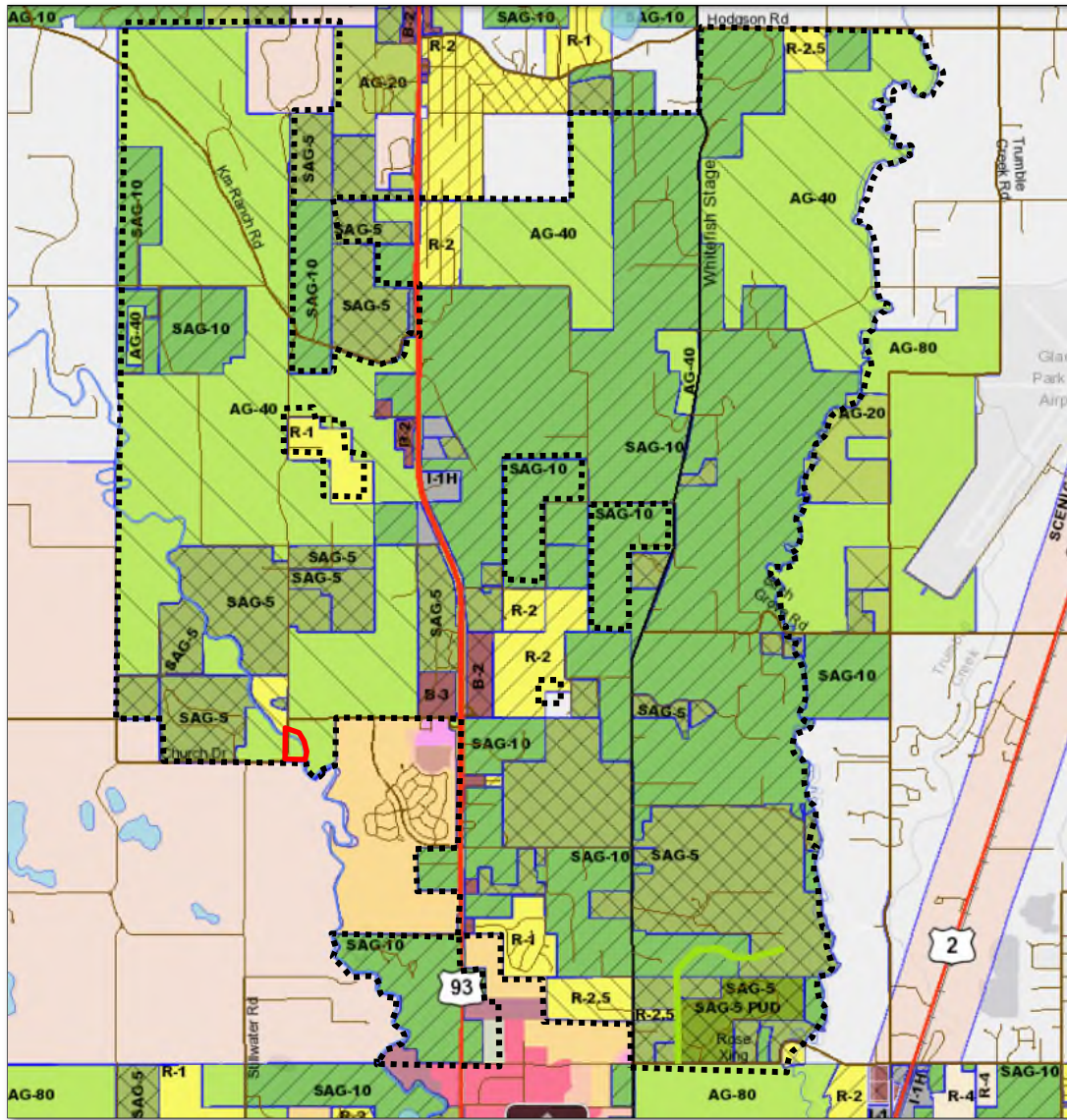
Figure 2: Existing zoning on the subject property (highlighted in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located in the Highway 93 North Zoning District. The surrounding property to the north, east and west is zoned AG-40 and to the south is similarly zoned WV. Also in the vicinity is R-2.5 and SAG-5 to the northwest and R-2/PUD within the City of Kalispell (see Figure 2). The surrounding area is mostly an open field with some forested areas along the river.

Figure 3: Highway 93 North Zoning District (outlined with dashed black line & property outlined in red)



A. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Whitefish School District Whitefish High School District
Fire:	West Valley
Police:	Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on November 8, 2021:
 - Bonneville Power Administration
 - Montana Fish, Wildlife, and Parks
 - DNRC
 - Whitefish High School District
 - Whitefish School District
 - West Valley Fire District
 - Flathead County Sheriff
 - Flathead City-County Health Department
 - Flathead County Road and Bridge Department
 - Flathead County Solid Waste
 - Flathead County Weeds and Parks Department
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Bonneville Power Administration
 - Comment: “At this time, BPA does not object to the request, as the property is located 5.0 miles away from the nearest BPA transmission lines or structures.” Email dated November 8, 2021.
 - Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated November 18, 2021
 - Flathead County Solid Waste
 - Comment: “The District request all solid waste generated at the proposed location be hauled by a private hauler. Evergreen Disposal is the listed (PSC) Public Commission private hauler in this area.” Letter dated November 12, 2021
 - Flathead City-County Health Department
 - Comment: “Environmental Health offers no comment on this requested zone change.” Letter dated November 15, 2021
 - Montana DNRC
 - Comment: “The Koenig family has previously secured a land use license under a different entity (Koenig Enterprises, Inc.) for irrigation pump placement in the riverbed bisecting their property. (Given the information immediately available to me, I am uncertain at this time whether the pump serves the portion of land that Koenig Holdings, LLC is seeking to rezone/potentially subdivide or property on the opposite side of the river, so I will need to research that further.) In any event, however, the Koenigs will need to immediately contact DNRC to get the license in question brought current and updated into the name of the applicable landowner of record; they can contact me at 406-751-2274 to initiate this.

- “While the Kalispell Unit of the DNRC does not object to the proposed zone change, we would note that the above-referenced riverbed access for the pump is intended for a single user, and would not be transferrable to a subsequent user/successor landowner without a compliant land use license being in force and the related applications properly submitted to, and subsequently approved by, DNRC.” Email dated November 18, 2021

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on December 22, 2021. Legal notice of the Planning Board public hearing on this application was published in the December 26, 2021, edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice was also published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for January 12, 2022 and/or the Commissioner’s Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best- or worst-case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The AG-40 designation is defined in Section 3.05 FCZR as, *‘A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.’*

Per Section 3.08 of the Flathead County Zoning Regulations (FCZR), SAG-5 is defined *‘A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.’*

The permitted uses and conditional uses between the AG-40 and the SAG-5 zoning are very similar. The amendment would reduce the number of permitted uses from 22 to 16 while increasing the number of conditional uses from 24 to 28. Four uses are permitted in AG-40 that are allowed with a Conditional Use Permit (CUP) in SAG-5, they include:

- ‘Cellular tower,’
- ‘Kennel,’
- ‘Riding academy, rodeo arena,’ and
- ‘Stable, public’

There are six uses allowed in the AG-40 with a CUP that are not allowed in the SAG-5, these are:

- ‘Animal farm,’
- ‘Communication tower/mast,’
- ‘Feed and seed processing and cleaning,’
- ‘Feed lot: cattle, swine, poultry,’
- ‘Radio and television broadcast studio.’ and
- ‘Rifle range’

There are seven uses allowed in the SAG-5 with a CUP that are not allowed in the AG-40 they include:

- ‘Aircraft hangars when in association with properties within or adjoining an airport/landing field,’
- ‘Community residential facility,’
- ‘Golf course,’
- ‘Golf driving range,’
- ‘Manufactured home park,’
- ‘Recreational facility, high impact,’ and
- ‘Recreational vehicle park.’

The bulk and dimensional requirements within the current and proposed zoning require a 20-foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For AG-40 the permitted lot coverage is 20% and maximum height is 35 feet and for SAG-5 the permitted lot coverage is 25% and maximum height of 35 feet.

The existing zoning requires a minimum lot area of 40 acres. The subject property totals 8.863 acres, no additional lots could be created under the existing zoning. The proposed zoning requires a minimum lot area of five acres; therefore, one additional lot could be created. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar, but the amendment would reduce the number of permitted uses while increasing the number of conditional uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R).

The subject property is located within the Riverdale Neighborhood Plan (Neighborhood Plan) which is primarily composed of the text, goals & policies and a map. The Neighborhood Plan serves as a localized planning tool for the Riverdale area, and the Neighborhood Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level.

The subject property is designated as ‘*Residential Low*’ by the Riverdale Neighborhood Plan. The Riverdale Neighborhood Plan identifies ‘*Residential Low*’ as, “*The Residential – Low land use category permits single family residential development at one (1) dwelling unit per one (1) gross acre. Multiple family dwellings, commercial, mineral extraction and industrial uses are not appropriate within this category. Public infrastructure and service availability affect the density and intensity of development. Residential development within this category typically utilizes individual domestic wells and septic wastewater disposal systems, however public or community water systems are strongly encouraged through site design. Local supporting public facilities such as schools, fire stations and parks are appropriate. Single family (detached and attached) residential clustering and Planned Unit Development density bonuses are appropriate in this category.*”

“*The R-1 and RC-1 zoning districts are consistent with the Residential-Low land Use category.*”

The applicant is proposing a zone change from AG-40 to SAG-5. The SAG-5 zone would allow for a lower density than the 1-acre density designated by the plan. The SAG-5 zone would utilize individual domestic water and wastewater and would not allow for multi-family which would fit within the residential low designation.

A variety of goals and policies within the text of the Neighborhood Plan have been found to generally support the requested zoning map amendment.

❖ **Goal 2 – Encourage a range of housing types.**

- **Policy 1.5 – Provide for a range of residential densities and housing types.**

- The proposed SAG-5 could allow for a variety of housing types including manufactured homes, single family dwellings, and accessory dwellings.
- ❖ **Goal 4** – *Preserve the right and opportunity to farm.*
 - Even though the property is currently zoned AG-40 the property is not in agricultural production.
- ❖ **Goal 5** – *Residential, commercial, and open space and recreational land uses that are integrated and are efficiently served by local services and necessary public facilities.*
 - **Policy 5.1** – *Permit a range of residential development densities and identify areas appropriate based on availability of local services, public facilities and physical constraints.*
 - The proposed SAG-5 could allow for a variety of housing types and allow for much of the 8 acres to remain open space.
- ❖ **Goal 6** – *Provide opportunities for low and medium density residential development.*
 - The SAG-5 zone would allow for a lower density than the 1-acre density designated by the plan.

Finding #1: The proposed zoning map amendment appears to comply with the map, goals, and text of Riverdale Neighborhood Plan because although the applicant is requesting SAG-5 zoning, the proposal would allow for a variety of housing types and much of the property could remain open space or be utilized for agriculture under the proposed zone.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The property is located in the West Valley Fire District and approximately 3.7 miles from the nearest Fire Station. The property is located in the Wildland Urban Interface (WUI), but not a county wide priority area. The property is mostly open with some trees located along the river. Primary access to the property is currently via Church Drive which is a two-lane paved public road within a 60-foot easement capable of providing emergency access to the property. The fire department did not provide comment regarding this proposal.

A portion of the property is designated as Zone A according to FIRM Panel 30029C1415J. The Stillwater River borders the northeast property line, and the 100-year floodplain encroaches into the property. The property is over 8-acres and could be developed outside of the floodplain. Any development within the floodplain would require a floodplain development permit.

Finding #2: The proposed map amendment would have minimal impact safety from fire and other danger because even though the property is located in the WUI the property is located in the West Valley Fire District and the zone change has the potential to add only one lot.

b. Promote public health, public safety, and general welfare;

The property is located in the West Valley Fire District and approximately 3.7 miles from the nearest Fire Station located on Whitefish Stage. The Flathead County Sheriff's Department provides police services to the subject property.

The SAG-5 zoning classification would allow for similar uses to what already exists in the area and what is allowed within in the current and neighboring SAG-40 designation the neighboring R-2.5 and the nearby West Valley zoning, therefore the zone change is not anticipated to adversely impact public health, safety, or welfare.

Finding #3: The proposed zoning map amendment would have minimal impact on public health, public safety, and general welfare because the property is served by the Flathead County Sheriff and West Valley Fire Department in the event of an emergency, the proposal has the potential to add one lot and the SAG-5 zoning would allow for similar uses to what already exist in the area.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is accessed via Church Drive which is a two-lane paved County collector within a 60-foot easement. The most recent average daily trips (ADT) estimate from the Flathead County Road and Bridge Department, indicate 2,552 vehicle trips on Church Drive east of Stillwater Road. As a result of the proposed zone change, one additional lot could be created leading to an increase of 10 ADT. This has the increase traffic by 0.4% on Church Drive. The County Road and Bridge Department had no concerns with this proposal.

The applicant will be required to work with the Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development. Flathead City-County Health Department submitted no comments on the proposal.

While the subject property is located within the Whitefish School District and Whitefish High School District, the school districts did not provided comments on this proposal. According to the 2019 Census Data there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2021 states there are 17,331 students enrolled in County schools. The total students (17,331) divided by the total households (49,531) equals approximately 0.35 students per household. The proposal has the potential to generate two additional dwellings and therefore would generate approximately no school age children.

The zoning map amendment would change the current 40-acre minimum lot size to a smaller 5-acre minimum lot size, it is anticipated subsequent future development would require review and parkland would not be required at that time because the lots created would be greater than five gross acres in size. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

Finding #4: The amendment would facilitate the adequate provision of transportation because Church Drive is a county collector and would be able to accommodate an increase of 10 ADT.

Finding #5: The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the property would continue to be served by on-site septic and wells, further division of the

property into parcels of less than 20 acres is subject to review under Sanitation in Subdivisions Act, the school districts provided no comments, and the proposal would generate minimal school children and minimal impact on the existing park system.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

Any additional lots created, or structures constructed would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the SAG-5 zoning classification. The bulk and dimensional requirements within the current and proposed zoning require a 20-foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20-foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. Both zones have a permitted lot coverage is 20% and maximum height is 35 feet. The requirements have been established to provide for a reasonable provision of light and air.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk, dimensional, setbacks and lot coverage requirements within the proposed SAG-5 designation.

b. The effect on motorized and non-motorized transportation systems;

As previously stated, primary access is off Church Drive which is a two-lane paved County collector within a 60-foot easement. The most recent average daily trips (ADT) estimate from the Flathead County Road and Bridge Department, indicate 2,552 vehicle trips on Church Drive east of Stillwater Road. As a result of the proposed zone change, one additional lot could be created leading to an increase of 10 ADT. This has the increase traffic by 0.4% on Church Drive.

The Flathead County Trails Plan does not identify Church Drive as a proposed bike/pedestrian trail. The proposed zone change is not anticipated to have a negative impact on non-motorized transportation systems because it would only generate one additional lot.

Finding #7: The proposal is not anticipated to impact the motorized and non-motorized transportation systems because the proposal has the potential to add 10 additional vehicle trips, Church Drive is a paved two-lane county collector, and no future bike/pedestrian easement would be required.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

Kalispell is the nearest municipality to the subject property and the city limits are located approximately 0.2 miles to the east. The subject property is located inside the City of Kalispell Growth Policy but outside of the City of Kalispell annexation

The existing 'AG-40 Agricultural' district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. The intent of the proposed 'SAG-5 Suburban Agricultural' zone is a district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, while encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The SAG-5 zone would still allow for the use of agriculture while continuing to provide a buffer between higher densities residential to the east and agriculture to the west.

The surrounding property to the north, east and west is zoned AG-40 and to the south is similarly zoned WV. Also in the vicinity is R-2.5 and SAG-5 to the northwest and R-2/PUD within the City of Kalispell. The surrounding area is mostly an open field with some forested areas along the river.

ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to one tract for the benefit of one owner. Using standard ArcGIS software staff determined that the subject property is located within an approximate 418-acre AG-40 district. However, less than 0.15 miles to the north is a SAG-5 district, and the property is adjacent to West Valley which has similar uses and a maximum 5-acre density. The property is also adjacent to a R-2.5 zoning district. The proposed zone change is near a 3.2-acre SAG-5 district to the north and a 663-acre SAG-5 zone to the west.

iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The subject property is currently owned by a single landowner however, the permitted and conditional uses listed within a SAG-5 zone are similar to the permitted and conditional uses in the current AG-40 zone, as discussed in the build-out analysis and similar to the nearby West Valley zoning and R-2.5 zoning. The proposed zone change would add 8.863 acres of SAG-5 within 0.15 miles of an area with 665-acres of SAG-5 zoning. So even though the proposal is for a small area and has one owner it would not be at the expense of the general public.

Finding #9: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change is less than 0.15 miles south of a SAG-5 district, the property is adjacent to West Valley zoning which has similar uses and a maximum 5-acre density, the property is also adjacent to a R-2.5 zoning district and the zoning does not allow uses that differs significantly from the prevailing use in the area.

e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The adjacent properties are similarly rural residential uses. The uses allowed within the SAG-5 zone are similar to what is permitted and what currently exists in the

surrounding SAG-40 and the same as adjacent R-2.5 and West Valley designations. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

Finding #10: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-5 designation allows for similar uses to the surrounding area.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

Kalispell is the nearest municipality to the subject property and the city limits are located approximately 0.2 miles to the east. The nearest zoning within the City of Kalispell is R-2/PUD. The proposed SAG-5 zoning would provide a buffer between the City's residential subdivision to the east and the higher intensity agricultural AG-40 zoning to the west.

The City of Kalispell defines 'R-2 Residential' as, '*A district intended to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.*' The R-2 minimum lot size is 10,000 square feet.

The neighboring R-2 city zones allow for single family dwellings as a permitted use and townhouses with a conditional use permit. The City of Kalispell does not have an equivalent five-acre density zone, but the proposed SAG-5 zone is more compatible than the existing AG-40 zone and the SAG-5 zone acts as buffer between higher density residential and lower density agricultural zones.

Finding #11: The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone is more compatible with the nearby city zoning than the existing AG-40 zoning and the proposed zoning acts as buffer between higher density residential and lower density agricultural zones.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment appears to comply with the map, goals, and text of Riverdale Neighborhood Plan because although the applicant is requesting SAG-5 zoning, the proposal would allow for a variety of housing types and much of the property could remain open space or be utilized for agriculture under the proposed zone.
2. The proposed map amendment would have minimal impact safety from fire and other danger because even though the property is located in the WUI the property is located in the West Valley Fire District and the zone change has the potential to add only one lot.
3. The proposed zoning map amendment would have minimal impact on public health, public safety, and general welfare because the property is served by the Flathead County Sheriff and West Valley Fire Department in the event of an emergency, the proposal has the

potential to add one lot and the SAG-5 zoning would allow for similar uses to what already exist in the area.

4. The amendment would facilitate the adequate provision of transportation because Church Drive is a county collector and would be able to accommodate an increase of 10 ADT.
5. The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the property would continue to be served by on-site septic and wells, further division of the property into parcels of less than 20 acres is subject to review under Sanitation in Subdivisions Act, the school districts provided no comments, and the proposal would generate minimal school children and minimal impact on the existing park system.
6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk, dimensional, setbacks and lot coverage requirements within the proposed SAG-5 designation.
7. The proposal is not anticipated to impact the motorized and non-motorized transportation systems because the proposal has the potential to add 10 additional vehicle trips, Church Drive is a paved two-lane county collector, and no future bike/pedestrian easement would be required.
8. The property is located within the extent of the City of Kalispell Growth Policy Future Land Use Map but outside the city's annexation policy boundaries and the proposal does not appear compatible with urban growth in the vicinity of Kalispell because the proposed zone is less dense than the designation of 'Suburban Residential.'
9. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change is less than 0.15 miles south of a SAG-5 district, the property is adjacent to West Valley zoning which has similar uses and a maximum 5-acre density, the property is also adjacent to a R-2.5 zoning district and the zoning does not allow uses that differs significantly from the prevailing use in the area.
10. This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-5 designation allows for similar uses to the surrounding area.
11. The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone is more compatible with the nearby city zoning than the existing AG-40 zoning and the proposed zoning acts as buffer between higher density residential and lower density agricultural zones.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM